March 2, 2022

MS Leisure Company, Inc
9600 N. Oceanshore Boulevard
St. Augustine, FL 32080

Dear Licensee:

Congratulations! We are pleased to inform you that you have met the licensing requirements to conduct regulated activity under the Animal Welfare Act (AWA). Accordingly, we are enclosing a copy of your approved application (APHIS Form 7003-A), along with your official license certificate, which is suitable for display.

Please take note of your license expiration date. We will mail you a licensing application approximately 120 days prior to your license’s expiration date. Please complete the application and mail it along with your fee to our office at USDA-APHIS-Animal Care 2150 Centre Avenue Building B Mailstop 3W11 Fort Collins, CO 80526-8117 or AnimalCare@usda.gov. Once received, your application will be processed in the order it was received.

In addition to maintaining your facility and animals in accordance with the AWA regulations and standards, you must keep current, accurate records -- including a written program of veterinary care. You can request forms from our office, from your inspector, or print them from our website at https://www.aphis.usda.gov/aphis/ourfocus/animalwelfare/sa_publications/ct_publications_and_guidance_documents

Further, you must also notify Animal Care no fewer than 90 days before any change in the name, address, substantial control or ownership of business or operation, locations, activities, and/or number or type of animals. These such changes may result in the need for you to obtain a new license.

Because (1) MS Leisure has made the decision not to exhibit Lolita/Tokitae and the Pacific white-sided dolphin within the Whale Stadium, (2) the Whale Stadium is inaccessible to the public and the animals contained therein are not visible to the public, and (3) the animals in Whale Stadium are separate from, and will not be in contact with, the regulated animals at Miami Seaquarium, these animals (Lolita and her dolphin companion) are not covered by this USDA license. If, in the future, you intend to exhibit either of these animals (including posting any image of these animals on social media with the expectation of economic benefit), or resume using this pool for
exhibition purposes, you will need to apply for a new license. The new licensing rules focus on requiring facilities to demonstrate compliance when acquiring animals subject to different standards or that have special husbandry and care needs, or when expanding the size of the animal collection. The orca meets this criteria because she is subject to different standards and has special husbandry and care needs. Please note that exhibition of these animals or the exhibition of any animal in the Whale Stadium pool will require a 90 day notification, an application for new license, and a demonstration of compliance.

We hope this information is helpful. If you have any questions regarding this letter or the AWA please contact our office at (970) 494-7478 or AnimalCare@usda.gov. For additional information please access our website at www.aphis.usda.gov/aphis/ourfocus/animalwelfare.

Sincerely,

Elizabeth Goldentyer, D. V. M.
Deputy Administrator
USDA, APHIS, Animal Care

Mario Mercado

Enclosures
United States Department of Agriculture

Expiration Date: 02-23-2025